IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6545 OF 2004

Uma Anuj Sarna] .. Petitioner

Versus

Anuj Kanwar Sarna] .. Respondent

Mr. S.S. Jinsiwale for the petitioner.

CORAM: R.M. LODHA, J.

DATED: 21ST JULY, 2006

P.C. :

. By an order passed in the month of May, 2001 the interim maintenance at the rate of Rs.5,000/- per month has been awarded to the petitioner. Immediately after expiry of one year, on May 14, 2002 the petitioner made the application for enhancement of the interim maintenance.

2. The application for enhancement of interim maintenance was contested by the respondent by filing reply.

3. The concerned Judge, Family Court by the order dated 10th October, 2002 rejected the application for

enhancement of interim maintenance. Dissatisfied thereby, the present Writ Petition has been filed.

4. Counsel for petitioner relied on paragraphs 11 and 12 of the application for enhancement of the maintenance. Paragraphs 11 and 12 read thus:

> "11. I say, I have some health problems which need medical treatment but I have avoided them because of the high cost the Court should consider the risk on my health in the long term if I continued to avoid the much needed medical treatment.
>
> 12. I say, there has been a enormous change in my circumstance. My father died in December 2000. After that my situation became more difficult since it is not possible to borrow money from my mother now. Some times my mother is not able to pay electricity bill and some times we have to survived without a telephone because of failure to pay a telephone bills on time."

5. The averments made in paragraphs 11 and 12 do not set out material changes in the position as was existing when the order of interim maintenance came to be passed in the month of May, 2001.

6. In the circumstances, no case for interference in the impugned order is made out.

7. Writ Petition dismissed in limine.

Sd/-
[R.M. LODHA, J.]